



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



June 5, 2002

**Certified Mail  
Return Receipt Requested**

**Letter of Deficiency  
No. WMD 02-17**

Treff Moulton, Vice President  
Moulton Construction, Inc.  
386 Plainfield Road  
West Lebanon, NH 03784

**Re: SWC 02-018; 386 Plainfield Road, West Lebanon, NH**

Dear Mr. Moulton:

On April 2, 2002, and April 3, 2002, the Department of Environmental Services, Waste Management Division (DES) conducted inspections of Moulton Construction, Inc. ("Moulton Construction") located at 386 Plainfield Road, West Lebanon, NH (Site). The purpose of the inspections was to determine Moulton Construction's compliance status with RSA 149-M, RSA 147-A, and rules adopted pursuant thereto relative to the proper management of solid waste and hazardous waste.

During the April 2 inspection, DES personnel observed or learned the following:

1. T-Rex Corp. and Moulton Construction transported solid waste consisting of construction and demolition debris to Moulton Construction.
2. Moulton Construction had an agreement with T-Rex Corp. to accept concrete from the Windsor High School demolition in Vermont. Moulton planned on crushing the concrete and recycling it as sub-grade road base and/or fill.
3. Moulton Construction notified T-Rex Corp by letter dated March 29, 2002, about the poor quality of the material being received at Moulton Construction. Representatives from Moulton Construction also spoke with representatives from T-Rex Corp. relative to the material being transported to Moulton Construction.
4. Solid waste consisting of, but not limited to, metal, wood, plastic, and fiberglass, had been buried in an area at the top of a pit at the Site. The face of the filled area was approximately 45 feet high.
5. Solid waste consisting of, but not limited to, furniture, pallets, lumber, metal, and plastic had been deposited at the bottom of the pit at the Site by unknown parties.

During the April 3 inspection, DES personnel observed or learned the following:

1. Moulton Construction dug several test pits to determine the amount of solid waste buried at the Site. A trench was dug to a depth of approximately 8-10 feet. Solid waste was observed from the surface to a depth of about 2-3 feet.

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2. DES personnel advised Mr. Moulton that the solid waste would need to be removed from the pit and disposed of at a permitted solid waste facility. Mr. Moulton was advised by DES that due to the Site conditions, particularly the steepness of the slope's face, he should remove the surficial material, as well as the material that could be safely reached from the area above the pit. DES personnel stated that working from the bottom of the pit and reaching up to remove the solid waste would not be required due to the hazard of falling material.
3. Four unlabeled 55-gallon containers of used oil.
4. One unlabeled and unsealed 275-gallon used oil tank.
5. One tire pile approximately 25 feet in diameter. The tires did not have a fire lane around the pile or a berm around the pile.
6. Two open floor drains in the shop facility.
7. During the inspection, DES staff issued a Report of Initial Complaint Investigation ("RICI") to Moulton Construction instructing them remove all solid waste located at the Site to a permitted solid waste facility, to store tires in accordance with the New Hampshire Solid Waste Rules ("Solid Waste Rules"), to seal all open containers of used oil, and to label all containers of used oil with the words "Used Oil for Recycle". The RICI also advised Moulton Construction to seal all active floor drains.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M and RSA 147-A, specifically:

RSA 149-M:9, I	Operating an unpermitted solid waste facility.
RSA 149-M:9, II	Transporting solid waste to an unpermitted solid waste facility.
RSA 149-M:9, II	Disposing of solid waste at an unpermitted solid waste facility.
Env-Wm 2605.02	Failure to store tires in accordance with the Solid Waste Rules.
Env-Wm 807.06(b)(4)	Failure to label containers of used oil with the words "Used Oil for Recycle".
Env-Wm 807.06(b)(5)	Failure to seal containers of used oil.

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

- Immediately** cease operating an unpermitted solid waste facility.
2. **Immediately** cease transporting solid waste to an unpermitted solid waste facility.
3. **Immediately** cease disposing of solid waste at an unpermitted solid waste facility.
4. Remove all surficial solid waste at the Site, including all solid waste in the lower pit area, by **June 17, 2002**, to a solid waste facility permitted to handle such wastes.
5. **Immediately** provide access control for the facility to prevent unauthorized dumping.

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6. By **June 17, 2002**, store all scrap tires in accordance with Env-Wm 2605.02. A copy is enclosed for your reference.

7. **Immediately** label containers of used oil with the words "Used Oil for Recycle".

8. **Immediately** seal containers of used oil except when actively adding or removing used oil.

9. Contact Mitchell Locker, DES Water Supply Engineering Bureau, at (603) 271-2858 by **June 14, 2002**, relative to the active floor drains at the Site.

10. By **June 19, 2002**, submit to DES written confirmation that these steps have been completed, including **copies of all disposal receipts** for the solid waste, at the address below.

Please address all correspondence and reports regarding this matter to:

DES, WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6507

Attention: Kenneth W. Marschner

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against Moulton Construction, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Michael Galuszka at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,



Kenneth W. Marschner  
Administrator  
Waste Management Programs

Certified Mail RRR#: 7000 1670 0000 0584 2871

CC: DB/Town/File  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, DES Legal Unit  
Mitchell Locker, DES Water Division  
Town Clerk, West Lebanon, NH

Enclosure: Env-Wm 2605.02